

LAW OFFICES OF
FREDERICK K. BREWINGTON

ATTORNEYS AND COUNSELORS AT LAW
556 PENINSULA BOULEVARD
HEMPSTEAD, N.Y. 11550-4282

TELEPHONE: (516) 489-6959
FACSIMILE: (516) 489-6958

FREDERICK K. BREWINGTON

IRA FOGELGAREN

GREGORY CALLISTE, JR.

VALERIE M. CARTRIGHT

G. WILLIAM GERMANO, JR.

MARJORIE MESIDOR

September 29, 2010

VIA ECF

The Honorable Andrew J. Peck
United States Courthouse
Daniel Patrick Moynihan
United States Courthouse
500 Pearl St.
New York, NY 10007-1312

Re: Smith-Toussaint v. JPMorgan Chase, et al.
10-CV-01773 (LTS) (AJP)


Dear Magistrate Peck:

This office represents Plaintiffs, Lenworth Smith and Yves Toussaint, in the above referenced matter. In accordance with Your Honor's directives, this letter is being respectfully proffered by Plaintiffs to advise the Court regarding Plaintiff's position on consolidating the pending state court actions under Camulaire and Smith v. Chase, et al, Index Number 115454/2005 and Toussaint v. Chase, et al., Index Number 112511/2006 with the instant action.

Plaintiffs would like to fully explore the possibilities of Your Honor's suggestion to amend Plaintiffs' federal complaint and voluntarily dismiss the state actions as they relate to the common Plaintiffs. As such, Plaintiffs respectfully request an extension of time until October 8, 2010 to fully examine the issue. Since Plaintiffs are represented by other counsel in the state case and there is the matter of an additional Plaintiff, Ms. Nancy Camulaire, that exists in the state action that is absent from the instant case, more time is necessary to assure that Plaintiffs' rights are not compromised.

We thank the Court for its consideration of our request.

Respectfully Submitted,


MARJORIE MESIDOR

cc: Robert Whitman, Esq. (via ECF)
Michael Jannuzzi, Esq. (via First Class Mail)